



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

*We strive to be caring, professional and fair*

To: Monroe County Planning Commission  
Through: Townsley Schwab, Senior Director of Planning & Environmental Resources *TS*  
From: Joseph Haberman, AICP, Principal Planner *[Signature]*  
Date: November 5, 2009  
Subject: *Proposed Ordinance to the Board of County Commissioners to amend the Monroe County Code Section 110-3, Preapplication conference*

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**Meeting: November 17, 2009**

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1  
2 I REQUEST  
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4 The Planning & Environmental Resources Department is proposing amendments to the text  
5 of §110-3 of the Monroe County Code. The purpose of the proposed amendment is to  
6 eliminate references to the obsolete position of development review coordinator, reassign  
7 those responsibilities and duties of the development review coordinator to the planning  
8 director/planning department staff and amend the timeframe in which a letter of  
9 understanding shall be mailed to the applicant.  
10

11 II RELEVANT PRIOR COUNTY ACTIONS:  
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13 At the October 7, 2009 public hearing, members of the planning commission recommended  
14 that staff review the entire land development code and remove all references to the now  
15 obsolete position of "development review coordinator". This recommendation followed  
16 staff's request to amend §102-21. Among other proposed amendments to §102-21, staff  
17 recommended that §102-21(c) be deleted due to the fact that the position of development  
18 review coordinator has been eliminated in the Planning & Environmental Resources  
19 Department.  
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21 III REVIEW  
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23 The current text within the Land Development Code describing the functioning of the Planning  
24 & Environmental Resources Department is outdated. Concerning the development review  
25 coordinator position, the position of development review coordinator has been eliminated in  
26 the department. All responsibilities of the position have been assumed by the Director of  
27 Planning and the Principal Current Planner.  
28

29 The current text within the Land Development Code providing the timeframe in which a letter  
30 of understanding shall be mailed to an applicant is not practical and does not reflect current  
31 practice. Upon review, staff has found that the department is not always able to mail letters of

1 understanding to applicants within the stated five (5) working day timeframe. Although many  
2 letters of understanding are mailed to the applicant within five (5) working days, other  
3 applications involve very complex and multifaceted projects that require more time for staff to  
4 review and consider how the county's regulations shall be applied and/or interpreted. A more  
5 realistic and feasible timeframe, that remains fair and timely to the applicant, is required. In  
6 addition, language is required that provides for circumstances in which staff has to await the  
7 submittal of additional information prior to issuing a letter of understanding.  
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9 NOTE: The references to the development review coordinator in other sections is already being  
10 addressed and corrected in other text amendment applications in progress.  
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12 (deletions are ~~stricken through~~ and additions are underlined):  
13

14 **Sec. 110-3. Preapplication Pre-application conference.**  
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16 An applicant for development approval may request ~~in writing a preapplication~~ a pre-  
17 application conference with ~~the development review coordinator~~ planning department staff by  
18 submitting an application to the planning department. Prior to the conference, the applicant  
19 shall provide to the ~~development review coordinator~~ planning department a description of the  
20 proposed development including its character, location and magnitude ~~of the proposed~~  
21 development. The purpose of this ~~meeting conference~~ is to acquaint the participants with the  
22 requirements of these the land development regulations, applicable comprehensive plan  
23 policies and the views and concerns of the county. The substance of the ~~preapplication pre-~~  
24 application conference shall be recorded in a letter of understanding prepared by the  
25 ~~development review coordinator~~ planning department staff and signed by the ~~director of~~  
26 planning planning director. The letter shall be mailed to the applicant within ~~five working~~ 30  
27 days after the conference, except under those circumstances where additional information is  
28 required by planning department staff following the conference. In those situations, the  
29 planning director cannot issue a letter until all required information is submitted and reviewed.  
30 The letter ~~of understanding~~ shall set forth the subjects discussed at the conference and the  
31 county's position in regard to the subject matters discussed. The applicant shall be entitled to  
32 rely upon representation made at the conference only to the extent such representations are set  
33 forth in the letter ~~of understanding~~. A letter of understanding shall not provide any vesting to  
34 requirements and regulations. The development shall be required to be consistent with all  
35 regulations and policies at the time of development approval. The planning director  
36 acknowledges that all items required as a part of the application for development approval may  
37 not have been addressed at the conference, and consequently reserves the right for additional  
38 comment.  
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40 **IV RECOMMENDATION**  
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42 Staff has found that the proposed text amendment would be consistent with the provisions of  
43 §102-158(d)(5)(b): 1. Changed projections (e.g., regarding public service needs) from those  
44 on which the text or boundary was based; 2. Changed assumptions (e.g., regarding  
45 demographic trends); 3. Data errors, including errors in mapping, vegetative types and  
46 natural features described in volume I of the plan; 4. New issues; 5. Recognition of a need for

1 additional detail or comprehensiveness; or 6. Data updates. Specifically, staff has found that  
2 the proposed text amendments are necessary due to new issues.

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4 Therefore, staff recommends that the Board of County Commissioners amend the  
5 Monroe County Code as stated in the text of this staff report.